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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/051,070	01/22/2002	Yasunobu Fujita	Q68238	3982		
7590 03/11/2004			EXAM	INER //		
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW			FOOTLAND,	FOOTLAND, LENARD A		
Washington, DC 20037-3213			ART UNIT	PAPER NUMBER		
			3682			
			DATE MAILED: 03/11/2004	DATE MAILED: 03/11/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 18 December 2003. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-3,5,6,8-12,14-20 and 22-25 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5)□ Claim(s) is/are allowed. 6)☑ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.65(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1□ Certified copies of the priority documents have been received. 2□ Certified copies of the priority documents have been received in Application No 3□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). **See the attached detailed Office action for a list of the certified copies not received.				\wedge			
Examiner Lenard A. Footland J3862 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. - Examiner is the series of the provision of 37 CPR 1.73(e). In no event, however, may a reply be sinely fixed - If the period for reply a specified above, the meanium statutory period (90) days, a reply which the statutory of the period for reply is specified above, the meanium statutory period will apply and will exply SSK (8) MONT fits from the mailing date of this communication of the period for reply is specified above, the meanium statutory period will apply and will exply is SK (8) MONT fits from the mailing date of this communication. - If the period for reply is specified above, the meanium statutory period will apply and will exply is SK (8) MONT fits from the mailing date of this communication. - If the period for reply is specified above, the meanium statutory period will apply and will exply is SK (8) MONT fits from the mailing date of this communication. - Any reply recently by the Office state that the mailing date of this communication, even if threaty field, may reduce expression. - Any Exploration of the statutory and the realing date of this communication. - This action is FINAL. - 20 M This action is non-final. 3 M Responsitive to communication(s) filed on 18 December 2003. - 2a) This action is FINAL. - 2b) M This action is non-final. - 3 M Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Explored Transport Provided Transport Pr		Application No.	pplicant(s)	1			
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Application/Control Number: 10/051,070

Art Unit: 3682

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5-6,8-9

Claims 1-3, 5=9, 18-20, 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchiyama et al. in view of Johnstone et al.

The examiner finds that except for those shown by Johnstone et al., Uchiyama et al. discloses all of the claimed elements and functions. See col. 5, lines 44-51 and 61-63. See col. 5, line 26 for resin and col. 6, lines 10-12 for viscosity. The cage oil percentages are considered to generate volume percentages overlapping those claimed.

The examiner finds that the Johnstone et al. reference expressly discloses what Uchiyama et al. does not, the conventionality of providing lubricant in the non-cage claimed space percentages (see Fig. 2) in order to prevent bearing wear (col. 1, lines 29-38). Applying the test for obviousness set forth in *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), which is what the combined teaching of the references would have suggested to those of ordinary skill in the art, the examiner finds that one having

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ordinary skill in the art would have found that providing the Uchiyama et al. bearing and lubricant in the claimed lubricant percentages, as taught by Johnstone et al., would have been obvious in view of the teaching of Johnstone et al. of doing so to prevent wear.

Claims 10-12, 14-17 and 24-25 are rejected under 35 U.S.C. § 103 as being unpatentable over Uchiyama et al. in view of 5-6,8-9 Johnsone et al., as set forth in the rejection of claims 1-3,5-9, 18-20, 22-23 above, and further in view of official notice of common knowledge in the art.

The examiner finds that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Uchiyama et al. ball bearing with lubricant, as modified by Johnsone et al., in a hard disk drive to facilitate its rotation and provide significant load-bearing capacity. See Mouri et al. Element 9a is an "actuator".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenard A. Footland, whose telephone number is (703) 308-2683.

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Primary Examiner Technology Center 3600 Art Unit 3682

laf March 9, 2004